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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/033,536

11/01/2001

Mark C. Buckley

CKS5042.26A

7359

7590

01/24/2005

John P. O'Banion
O'BANION & RITCHEY LLP
Suite 1550
400 Capitol Mall
Sacramento, CA 95814

EXAMINER

LA, ANH V

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

9

Office Action Summary	Application No.	Applicant(s)	
	10/033,536	BUCKLEY, MARK C.	
	Examiner	Art Unit	
	Anh V La	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4-9,19-41 and 45-55 is/are allowed.
- 6) ☒ Claim(s) 10 and 42-44 is/are rejected.
- 7) ☒ Claim(s) 11-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10, 42-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Holce.

Regarding claim 10, Holce discloses a magnetic contact apparatus for use with an alarm system comprising a logic circuit 20 configured to indicate an alarm condition (to an alarm unit, column 4, lines 30-43) if a magnetic actuator 22 is moved outside an actuation zone (col. 1, lines 5-20, col. 3, lines 10-15) or if a magnetic field from a source other than the magnetic actuator is brought into the actuation zone after the magnetic actuator is brought into the actuation zone.

Regarding claim 42, Holce discloses a tamper resistant alarm contact apparatus comprising an intrusion sensing unit with a logic circuit 20 configured to activate an alarm (alarm unit, column 4, lines 30-43), and means 22 for detecting tampering with the intrusion sensing unit.

Regarding claim 43, Holce discloses a tamper plate 101, a magnet, a tamper switch 40 and a tamper circuit (fig . 2-8).

Regarding claim 44, Holce discloses a core section and an outer section (figures 3-5).

3. Claims 1, 4-9, 19-41, 45-55 are allowed.
4. Claims 11-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Answers to Remarks

5. Applicant's arguments filed on October 01, 2004 have been fully considered.

Applicant has argued that Holce does not disclose a logic circuit. This argument is not found persuasive. As in claim 10, applicant has recited "a logic circuit configured to indicate an alarm condition if a magnetic actuator is move outside an actuation zone". By that recitation, it is clearly understood that limitation "logic circuit" is defined as "to indicate an alarm condition if a magnetic actuator is move outside an actuation zone". The logic circuit 20 of Holce clearly performs the function of "to indicate an alarm condition (to an alarm unit, column 4, lines 30-43) if a magnetic actuator is move outside an actuation zone". Also, in claim 42, applicant has recited "a logic circuit configured to activate an alarm". The logic circuit 20 of Holce clearly performs the function of "to activate an alarm (to an alarm unit, column 4, lines 30-43).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a logic circuit has one or more binary inputs capable of two states and a signal

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binary output, two reed switches effected by the two actuation magnets being activated and the reminder being inactivated creating a true logic circuit, a sequence of inactivated-activated-inactivated-activated-inactivated switches, a logic circuit in the electrical path where the secure state can only be achieved through a precise series on activated and inactivated reed switches, a true logic circuit being shown with a logic sequence of no-yes-no-yes-no) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

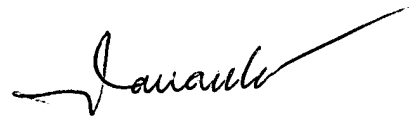
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V La whose telephone number is (571) 272-2970. The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANH V. LA
PRIMARY EXAMINER

Anh V La
Primary Examiner
Art Unit 2636

AI
January 21, 2005